

REMARKS

Claim status

Claims 1-3, 6-7, 11, 17-18, 21-22, and 25 were pending in the case at the time of the current Office Action. Previously, claims 4-5, 8-10, 12-16, 19-20, 23-24, and 26 were canceled. Claims 1-3, 6-7, 11, 17-18, 21-22, and 25 are currently amended herein to more particularly point out the claimed invention. New claim 27 has been added herein. Claims 1-3, 6-7, 11, 17-18, 21-22, 25, and 27 are currently pending in the application.

Priority Documents

Applicant thanks the Examiner for acknowledging that a certified copy of the foreign priority document was previously submitted by the Applicant. However, per the Examiner's request, another certified copy of the foreign priority document will be forthcoming with respect to GERMANY 102 45 852.9 09/30/2002.

Section 102 Rejections

In the Office Action dated August 25, 2008, the Examiner rejected claims 1, 3, 7-8, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Alt et al. (U.S. Patent 6,370,427), hereinafter Alt.

Applicants respectfully traverse the foregoing rejections in view of the above pending claims and for reasons set forth hereafter.

Claim 8 was previously cancelled.

Independent claim 1 recites a cardiac pacemaker arrangement comprising:

- at least one floating atrial electrode line having an atrial wall electrode;
- a ventricular electrode line (VDD-electrode line) having at least one floating atrial electrode for stimulation and at least one ventricular electrode; and
- at least one circuit adapted to:

evaluate atrial signals perceived by said electrodes, and

switch over from a first mode, for effecting atrial myocardium stimulation by said atrial wall electrode, to a second mode, for effecting atrial myocardium stimulation by said at least one floating atrial electrode, upon perceiving atrial signals that are evaluated as being high-frequency irregularities such as auricular fibrillation or atrial tachycardias as on the basis of inadmissibly high signal frequencies.

It is respectfully submitted that Alt does not teach or suggest the claimed invention of independent claim 1. In particular, Alt does not teach or suggest the configuration of Fig. 4 of the present application. The ventricular electrode line (VDD-electrode line) of claim 1 has a floating atrial electrode and a ventricular electrode. The electrode configuration of claim 1 is disclosed in Fig. 4 of the present application and in the description referring to Fig. 4 in paragraph [0038] and [0039] of the present application as recited below:

[0038] In accordance with the present proposal, based on those considerations, the options of floating sensing and wall-located stimulation are combined in a novel pacemaker arrangement. FIG. 4 shows the principle of the proposed AV-sequential cardiac pacemaker with the SPT-switch mode for optimization of early atrial signal perception (floating atrial ring electrodes), prevention by conventional stimulation (wall-located atrial electrode) and termination of atrial tachycardias or auricular fibrillation by temporary high-frequency floating stimulation (floating atrial ring electrodes).

[0039] The combination of a VDD-electrode with an additional atrial wall-located electrode affords the following possible options:

Fig. 4 of the present application shows four electrodes placed in the atrium of the heart and two electrodes placed in the ventricle of the heart. The two left-hand atrial electrodes that are vertically in line with each other in Fig. 4 belong to the VDD-electrode line, whereas the two electrodes on the right hand side of the atrium belong to a conventional atrial electrode line that

has a J-shape. Furthermore, Fig. 4 and paragraphs [0038] and [0039], of the present application, show that the ventricular electrode line includes at least one floating atrial electrode and at least one ventricular electrode. With respect to the Examiner's rejection, Alt only discloses a ventricular electrode line that has one electrode in the ventricle. The present application's electrode configuration is neither disclosed nor suggested by Alt.

The claimed arrangement of claim 1 comprises two electrode lines, an atrial electrode line including an atrial wall electrode and a ventricular electrode line including a floating atrial electrode. In a normal (first) mode, atrial stimulation is performed via the atrial wall electrode of the atrial electrode line. In the case of atrial signals indicating high-frequency irregularities, atrial stimulation (not atrial defibrillation) is performed via the floating atrial electrode on the ventricular electrode line. Such an arrangement is neither known from Alt nor made obvious by Alt, since Alt does not show a ventricular electrode line providing a floating atrial electrode. (emphasis added)

Furthermore, the electrode as shown in Alt is a defibrillation electrode and not a stimulation electrode. The drawings of the present application (particularly Fig. 4) do not show any large surface (coil) electrode that would be used for defibrillation but, instead, show only small surface stimulation electrodes that are of approximately the same size.

Therefore, in view of at least the foregoing, it is respectfully submitted that independent claim 1 is not anticipated by Alt, and it is respectfully submitted that independent claim 1 defines allowable subject matter. Also, since claims 3, 7, and 22 depend either directly or indirectly from claim 1, it is respectfully submitted that claims 3, 7, and 22 define allowable subject matter as well. Applicant respectfully requests that the rejection of claims 1, 3, 7, and 22 under 35 U.S.C. 102(e) be removed.

Section 103 Rejections

In the current Office action, claim 9 is rejected under 35 U.S.C. 102 (e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Alt. However, since claim 9 was previously cancelled in an earlier Office Action response, no response was made with respect to the rejection of claim 9.

In the current Office action, claims 2, 6, 10-11, 17-18, 21, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alt. Claims 10 and 26 were previously cancelled in

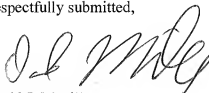
an earlier Office Action response, thus no response was made with respect to the rejection of claims 10 and 26.

Applicants respectfully traverse the foregoing rejections in view of the above pending claims and for reasons set forth hereafter.

As discussed above for independent claim 1, Alt does not teach, suggest, or render obvious the claimed invention of claim 1. Since claims 2, 6, 11, 17-18, 21, and 25 depend either directly or indirectly from independent claim 1, it is respectfully submitted that claims 2, 6, 11, 17-18, 21, and 25 define allowable subject matter as well. Applicant respectfully requests that the rejection of claims 2, 6, 11, 17-18, 21, and 25 under 35 U.S.C. 102(e) and/or under 103(a) be removed.

Accordingly, the applicant respectfully requests reconsideration of the rejections based on at least the foregoing. After such reconsideration, it is urged that allowance of all pending claims will be in order.

Respectfully submitted,



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